

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

ROSE ANDREWS,

Plaintiff,

v.

15cv961 WPL/LF

CITY OF ALBUQUERQUE, STATE OF  
NEW MEXICO/NEW MEXICO  
DEPARTMENT OF TRANSPORTATION,  
RIO METRO REGIONAL TRANSIT  
DISTRICT dba NEW MEXICO RAIL  
RUNNER, MID-REGION COUNCIL OF  
GOVERNMENTS, HERZOG TRANSIT  
SERVICES, INC., DEKKER/PERICH/SABATINI LTD.,  
TWIN MOUNTAIN CONSTRUCTION II COMPANY,  
HDR ENGINEERING, INC., and JOHN DOES 4-10,  
as of yet unidentified Defendants with  
Authority or Control over Subject Premises,

Defendants.

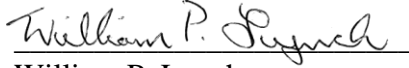
**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT**

Plaintiff Rose Andrews filed a Motion for Leave to Amend Complaint on January 15, 2016. (Doc. 26.) Judge Fashing's Order Setting Case Management Deadlines and Discovery Parameters set January 15, 2016, as the "[d]eadline for Plaintiff to amend pleadings or add additional parties." (Doc. 19 at 2.) Plaintiff's motion, therefore, is timely.

Pursuant to D.N.M.LR-Civ. 7.1(a), Plaintiff contacted Defendants about the motion. (See Doc. 26 at 2). Defendants took "no position" (*id.*), which I construed as Defendants opposing the motion. Regardless of Defendants' position, however, they did not file a response or seek an extension within seventeen days as required by D.N.M.LR-Civ. 7.4(a) and Federal Rule of Civil Procedure 6(d). Defendants' failure "to file and serve a response in opposition to

[the] motion within the time prescribed for doing so constitutes consent to grant the motion.” D.N.M.LR-Civ. 7.1(b). Thus, by operation of the Rule, Defendants have consented to the motion. Accordingly, Plaintiff’s Motion for Leave to Amend Complaint (Doc. 26) is granted.

IT IS SO ORDERED.

  
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William P. Lynch  
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any pro se party as they are shown on the Court’s docket.